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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,321

10/12/2006

Detlef Hulverscheidt JR.

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05/22/2009

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EXAMINER

HUYNH, LOUIS K

ART UNIT

PAPER NUMBER

3721

MAIL DATE

DELIVERY MODE

05/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,321	<b>Applicant(s)</b> HULVERSCHEIDT, DETLEF	
	<b>Examiner</b> Louis K. Huynh	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10 and 12-25 is/are pending in the application.
- 4a) Of the above claim(s) 12-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/07/2009 has been entered.

### ***Election/Restrictions***

2. Claims 12-25 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Election was made without traverse in the reply filed on 11/20/2007.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “the blanks are processed by at least one of cutting, creasing, perforating, scoring, and folding the workpieces along selected ones of longitudinal and transverse processing lines” recited in the amended claim 1 contains new matter which was not disclosed in the originally

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filed specification. Specifically, the originally filed does not disclose the blank being processed by folding the workpiece along selected ones of longitudinal and transverse processing lines.

5. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The phrase “further processed by other processing lines” is new matter because the originally filed specification does not disclose and/or teach the blank being further processed by other processing lines. Note that a line is not a device for processing.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claim 1, lines 2-4: “the blanks are ... folding the workpieces” lacks proper antecedent basis in the specification.
- Claim 1, line 6: “further processed by other processing lines” lacks proper antecedent basis in the specification.
- Claim 1, lines 10-11: “the processing line” renders the claim indefinite because it is unclear as to which processing line applicant is referring, i.e. longitudinal processing line or transverse processing line or processing line that runs in neither the longitudinal nor the transverse directions.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5 & 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Baron (US 2003/0206211).

- With respect to claim 1, Baron discloses a method for producing blanks that meets all of applicant's claimed subject matter; in particular, the method of Baron comprises the steps of: scoring a piece of paper (25) with a plurality of score lines (26A) using a scoring device (30); wherein the scoring lines include longitudinal score line, transverse score line and diagonal score line, and wherein the scoring device (30) includes a scoring head (94) that moves parallel to the plane of the piece of paper (25) and is controlled by a computer (24) to score the piece of paper (25) according to a predetermined scoring indicia (26). Note that the scoring head (94) can be equipped with a variety of scoring pins (FIGS. 10A-F), some of which having cutting edges that can form cut lines on the paper.
- With respect to claims 2 & 3, the order in which the diagonal score line is produced before or after with respect to the longitudinal and transverse score lines depends greatly on the complex of the scoring indicia (26) which may include curve or straight lines, some may be scored before the other and vice versa;

therefore, the order of the diagonal score line with respect to the longitudinal and the transverse score lines is anticipated by the method of Baron.

- With respect to claim 5, a score line is a continuous cut line that includes holding points for holding the scored piece of paper together.
- With respect to claim 6, the score lines are produced by the scoring head (94) mounted in a printer (30) which is controlled digitally by a computer (24).

10. Claims 1-3, 6-10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Gerber et al. (US 3,785,898).

- With respect to claims 1 & 7, Gerber discloses a method for producing blanks that meets all of applicant's claimed subject matter; in particular, the method of Gerber comprises the steps of: cutting a workpiece (14) in a longitudinal direction, cutting the workpiece (14) in a transverse direction, further cutting the workpiece (14) in a curvilinear direction, and further applying adhesive along the curvilinear direction; wherein the cutting is performed by a cutter (62), and the adhesive applying is performed by an adhesive applicator (40).
- With respect to claims 2 & 3, the order in which the cutting in the curvilinear direction is performed before or after with respect to the cutting in the longitudinal and transverse directions depends greatly on the shape of the blank to be produced which may include curved lines or straight lines, some may be cut before the other and vice versa; therefore, the order of cutting is said to be anticipated by the method of Gerber.

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- With respect to claim 6, the cutter (62) is controlled by a controller (53) which is an electronic data processing system.
- With respect to claim 8, the adhesive applicator (40) is controlled by a controller (53) which is an electronic data processing system.
- With respect to claim 10, the method of Gerber prefers to have a continuous seam along the cut lines, thus the adhesive applicator is preferably adapted to activate continuously during the step of applying adhesive.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber et al. (US 3,785,898).

- The method of Geber meets all of applicant's claimed subject matter but lacks the specific teaching of the adhesive applicator (40) being adapted to activate pointwise. However, applying adhesive in a pointwise manner would have been obvious to a skilled person in the art, at the time of the invention, as a matter of engineering designed choice since it solves no stated problem insofar as the record is concerned, and it seems that applying adhesive pointwise or continuously would have worked well in the method of Gerber.

***Response to Arguments***

13. Applicant's arguments with respect to claims 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is 571-272-4462. The examiner can normally be reached on M-F from 8:00AM to 3:00PM.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

May 20, 2009

/Louis K. Huynh/  
Primary Examiner  
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